

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JODY REILLY,

Plaintiff,

v.

THOMAS ROBBINS,
as Colonel of the
Massachusetts State Police

Defendant.

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) C.A. No. 05-11806-RWZ
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DEFENDANT'S ASSENTED-TO MOTION
TO EXTEND DISCOVERY DEADLINE

Defendant THOMAS ROBBINS ("defendant") moves with the assent of plaintiff JODY REILLY ("plaintiff") to extend the deadline to complete discovery to September 30, 2008 for the following reasons:

1. The current deadline expired as of November 15, 2007.
- 2 At the August 22, 2007 status conference, the Court directed that the decisions in two related cases, Gura et al. v. Foley, No. Middlesex C.A. No. 2004-01654C and Campinha et al. v. Foley, et al., Suffolk C.A. No. 04-00648H, be reported upon completion to the Court.
3. The Court subsequently scheduled a Status Conference for April 29, 2008.

4. In September 2007, defendant's counsel Maite Parsi ("Parsi") drafted a Motion to Extend Discovery because the above-referenced cases were still not concluded and a third related case was also pending. Massachusetts Department of State Police v. Massachusetts Civil Service Commission, No. SUCV2006-02349.
5. However, Parsi apparently never filed the draft motion, she and plaintiff's counsel Julie K. Peterson ("Peterson") never having agreed to a proposed extension date.
6. In November, 2007, Gura et al. v. Foley, No. Middlesex C.A. No. 2004-01654C went to trial and then settled on December 5, 2007.
7. Parsi resigned her employment as an Assistant Attorney General at the end of December 2007.
8. On April 7, 2008, the Superior Court affirmed the Civil Service Commission in Massachusetts Department of State Police v. Massachusetts Civil Service Commission.
9. On April 28, 2008, Assistant Attorney General Charles M. Wyzanski ("Wyzanski") filed a notice of appearance in this case replacing Parsi as counsel for defendant.

10. Wyzanski anticipates settling Campinha et al. v. Foley, et al., Suffolk C.A. No. 04-00648H in the next 30 days and he and opposing counsel in that case, Joseph Kittredge, Esq., have requested a decree nisi and it has been granted for that purpose.
11. Wyzanski has various other commitments (including a trial scheduled for May 13, 2008 in Balthazar v. Commonwealth of Massachusetts, Suffolk C.A. No. 2004--00579 and a long-standing, lengthy vacation abroad thereafter).
11. Wyzanski needs additional time to familiarize himself with this case and he and Peterson both need additional time to complete discovery.
12. Neither plaintiff nor defendant will be prejudiced by the extension of the discovery deadline.

For the above reasons, this assented-to motion respectfully requests that the deadline for factual discovery be extended to September 30, 2008.

DEFENDANT THOMAS ROBBINS,
As Colonel to the Massachusetts State
Police,

By his Attorneys

MARTHA COAKLEY

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Assented to:

PLAINTIFF JODY REILLY

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